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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,823	10/30/2003	Rodney S. Daughtrey	09765-019002	9540
26161	7590	06/28/2006	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			TRAN, MYLINH T	
		ART UNIT	PAPER NUMBER	
			2179	

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/697,823	DAUGHTREY, RODNEY S.	
	Examiner Mylinh Tran	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 07 April 2006.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-49 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-49 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

Applicant's Amendment filed 04/07/06 has been entered and carefully considered. Claims 1-5, 7, 9, 11-18, 20, 22-23, 28-38, 40 and 45 have been amended. However, the limitation of the amended claims have not been found to be patentable over prior art of record, therefore, claims 1-49 remain rejected under the same ground of rejection as set forth in the Office Action mailed 12/29/05. In addition, applicant's amendment failed to respond to the Examiner's objection to the drawings. This objection is maintained.

***Drawings***

- The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: table 74 in figure 3 and 56b in figure 2. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
- The drawings are objected to because: in figure 1, boxes 21b, 22, 30a and 30b should be labeled with appropriate descriptive matter. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 8, 10-17 and 18-49 are rejected under 35 U.S.C. 102(e) as being anticipated by DeMarcken et al. [US. 6,307,572].

As to claims 1 and 32, DeMarcken et al. disclose a computer implemented method and corresponding apparatus of a graphical user interface for a travel planning system comprising the steps/means for a tabular region having a plurality of cells, the tabular region comprising cells arranged in plural columns and plural rows (figures 22-23, each little box is a cell) with the cells displaying a summary of a criterion of a set of travel options (See Figure 20, 352, column 1, lines 48 through column 2, lines 10). DeMarcken et al. cites "...a graphical region of the graphical user interface that displays a graphical representation of the itinerary information... The graphical user interface displays a total fare associated with a corresponding itinerary in the graphical representation...."); and with the cells being controls that when selected ("The one control include a nonstop control, direct control, same airline control... The graphical user interface has an itinerary region

that displays a selected itinerary including information pertaining to segments of the itinerary..” read as the plurality of cells that act as controls; provide a subset of the travel options that correspond to the respective criterion or criteria of the selected cell (figure 23, the second region (382) displays when one of the “JFK cell” is selected); and a second region that displays aspects of the subsets of the travel options resulting from selecting the respective cell in the tabular region (figure 23, column 57, lines 20-56).

DeMarcken et al. also cites “...The graphical user interface has user selectable controls such as Origin and Destination. There are also controls for selecting time and date... The origin and destination controls invoke a query window....The server process returns to the client process a set of pricing solutions in a compact representation....Region depicts a listing of airports in a region about the location entered in area, whereas area lists origins and destinations of a flight slice...” read as the second region that displays selected travel options in accordance with a control actuated in the tabular region.

As to claims 2 and 21, DeMarcken et al. also disclose the interior cells that intersect at least one column and at least one row displaying a value that summarizes travel options that meet a pair of criteria according to the criterion in a respective one of the columns and the criterion in a respective one of the rows (figures 20-23).

As to claims 3 and 22, DeMarcken et al. teach the controls in the tabular region arranged in columns and rows and where upon actuation of one of

the controls in a column (Figure 20, 1<sup>st</sup> Class, 2<sup>nd</sup> Class, Refundable and Nonstop, Direct, Online, Select; Figure 23, (382) column 58, line 58 through column 59, line 9) that is an exterior column causes result to be displayed in the second region as a grouping of travel options according to the criterion corresponding to the exterior column (figure 23, the second region (382) displays when one of the "JFK cell" is selected).

As to claims 4 and 23, DeMarcken et al. disclose "with actuation of one of the controls in one of the rows or columns on the periphery of the tabular regions causing (Figure 20, 1<sup>st</sup> Class, 2<sup>nd</sup> Class, Refundable and Nonstop, Direct, Online, Select; Figure 23, (382) column 58, line 58 through column 59, line 9), the results to be displayed in the results region as a grouping of travel options in accordance with a summary of a criterion corresponding to the selected control" (figure 23, the second region (382) displays when one of the "JFK cell" is selected).

As to claims 5 and 24, DeMarcken et al. also teach "upon actuation of one of the controls that is an interior one of the rows or columns, causes the results to be displayed in the results region as a grouping of travel options in accordance with criteria corresponding to the intersection of a corresponding row and a corresponding column"(figures 20-23).

As to claims 6 and 25, DeMarcken et al. show the controls being links to routines that invoke an appropriate enumeration algorithm (column 14, lines 8-31 and column 21, line 10 through column 22, line 67).

As to claims 8 and 26, DeMarcken et al. also show the tabular region being tabbed table comprising at least one of an airline tab, an airport tab and a flight time tab (Figure 24, (352, column 59, lines 9-55)).

As to claims 10 and 27, DeMarcken et al. demonstrate compartmentalizing travel options into 'bins', according to a set of criteria of the travel options (Figure 20, bin Nonstop, bin Direct, bin Online, bin Select, a set of criteria Origin, Destination); displaying a summary of the travel options in a graphical user interface according to the bins (figure 23, the second region (382) displays when one of the "JFK cell" is selected).

As to claims 11 and 28, DeMarcken et al. also demonstrate displaying criteria associated with the bins as cells in a table (Figure 20, table 350).

As to claims 12, 13 and 29-30, DeMarcken et al. disclose displaying criteria associated with the bins in a two-dimensional table, with only one criteria assigned to each dimension of the table and displaying the resulting bins in a two-dimensional table, with one criteria assigned to each dimension of the table, and with a third criteria depicted in each cell of the table (Figures 22 and 23, column 57, line 56 through column 58, line 67).

As to claims 14, 31 and 33, DeMarcken et al. also disclose the criteria involved include one or more airlines or other carriers of passengers, number of stops that the carrier makes en route to destinations, departure times, arrival times, time ranges, carriers involved in travel options, locations that carriers depart or arrive from, cost of travel options, and ticket

restrictions and airline safety records (Figure 23, column 3, lines 20-67 and column 58, line 58 through column 59, line 25).

As to claim 15, DeMarcken et al. teach a third criteria depicted in each cell that is an interior cell of the table (column 15, line 23 through column 16, line 31).

As to claim 16, DeMarcken et al. also teach selecting a cell from the table and producing specific information related to that cell which is presented the traveler and presenting the produced information in a user interface (column 5, lines 9-52).

As to claim 17, DeMarcken et al. shows wherein the information that is presented to the user is in the form of a table of travel options (column 11, line 56 through column 12, line 54).

As to claim 18, DeMarcken et al. teach displaying the graphical user interface as a tabbed table, a first tab being an airline tab, a second tab being airport tab and a third tab being a flight time tab (figures 27), with each tab including a tabular region that displays summarized criteria of the set of travel options as a plurality of cells that act as controls according to the bins; and actuating one of the controls to display selected travel options in a accordance with the bin corresponding to the control (figure 23, the second region (382) displays when one of the "JFK cell" is selected).

As to claim 19, DeMarcken et al. also show displaying the resulting bins in a first tab of the table, with one criterion assigned to each of two dimensions of the table, and with additional criteria depicted in corresponding additional

ones of the plurality of tabs of the tabbed table (column 4, line 65 through column 5, line 53).

As to claim 20, DeMarcken et al. teach a tabular region of the graphical user interface that displays criteria of a set of travel options as a plurality of cells that act as controls, which when selected, displays aspects of a subset of the travel options according to a criterion or criteria corresponding to the control selected. (See Figure 20, 352, column 1, lines 48 through column 2, lines 10).

As to claims 34 and 37, DeMarcken et al. demonstrate display a listing of the subset of travel options associated with selecting the control (figure 22).

As to claim 35, DeMarcken et al. also demonstrate the tabular region having criteria further arranged as tabbed windows (figure 22, 354).

As to claim 36, DeMarcken et al. provide the second region being part of a common window with the tabular region juxtaposed with the tabular region (column 35, line 20 through column 36, line 65).

As to claim 38, DeMarcken et al. also provide displaying with the control a value of a third criterion (figures 22-23).

As to claim 39, DeMarcken et al. teach displaying the interface on a output device (figure 25).

As to claims 40 and 45, the claim is analyzed as previously discuss with respect to claims 10-12.

As to claims 41 and 46, DeMarcken et al. also teach a bin comprising a value associated with a respective criterion (figures 22-23).

As to claims 42 and 47, DeMarcken et al. show displaying the table displaying the table with each of the bins rendered as elements in the table (column 48, line 35 through column 49 line 45).

As to claims 43 and 48, DeMarken et al. also show displaying an associated subset associated with a respective criterion (figures 22-23).

As to claims 44 and 49, DeMarcken et al. disclose a bin comprising a range of value associated with a respective criterion (column 48, line 37 through column 49, line 60).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeMarcken et al. in view of Ran et al. [US. 6,209,026].

As to claim 7, the difference between DeMarcken et al. and the claim is the interface being implemented as a web page in a web browser and the controls are hyperlinks to the enumeration routines. Ran et al. shows the web page in a web browser (see abstract). Ran et al. cites " An Internet utility which receives information... The web based utility calculates at least one route.." read as the interface being implemented as a web page in a web browser. It would have been obvious to one of ordinary skill in the art,

at the time the invention was made, to combine the Internet and Web browser of Ran and the travel planning system of DeMarcken. The motivation of the combination would have been to provide a central processing system and a combined central and local processing system for providing personalized Internet traveler information via internet/intranet.

As to claim 9, Ran et al. teaches the graphical user interface is represented in a first web page and the results region displays itineraries and includes links that invoke a second web page to display details of the itineraries (Figure 3, Top-Level Webpage, Second-Level Webpage).

### **Response to Arguments**

Claims 1, 3, 4, 11, 20, 22-23, 28:

Applicant has argued that deMarcken does not describe a tabular region having a plurality of cells. However, the examiner respectfully disagrees because the interface is shown in figures 22-27 contains plurality of bar-graphs that represent plurality of cells. These bar-graphs are arranged in columns and rows. Each of the bar-graph acts as a control which display information when it is selected (figure 23, the second region (382) displays when one of the "JFK cell" is selected). It is clearly that the second region (382) displays a summary of travel information when one of the cell is selected.

Claims 2, 5, 23, 40, 45:

Applicant argues the reference does not teach the interior cells that intersect at least one column and at least one row display a value that

summarizes travel options. However, one of the bar-graph (JFK) being arranged in at least one column and at least one row displays a second region (figure 23, 382) of summarizes travel options when the bar-graph is selected (column 58, lines 58-67).

Claims 8, 18, 26:

Applicant argues the reference does not teach the tabular region comprising at least one of an airline tab, an airport tab and a flight time tab. However, these particular tabs are shown in the table of figure 27, which is "American air", "LAX LOS ANGELES", ....

Claims 10, 19, 27:

Applicant argues deMarcken does not teach the features of Nonstop, Direct Online. However, the tabs of Nonstop, Direct Online are shown in the interface of figure 27. Each of tab displays a summarized travel option when selected.

Claims 12, 29, 41, 46:

Applicant argues deMarcken does not describe a table. However, the interfaces are shown in figures 22-27 are tables. The claimed language itself "displaying criteria associated with the bins in a two-dimensional table" is still not specific and clear enough to describe the present invention.

During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000).

Although the claims are interpreted in light of the specification, limitations

from the specification are not read into the claims. See *In re Van Geuns*,

988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claims 7, 13, 30 and 16-17, the claims are analyzed as discussed above.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the

extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

Art Unit 2179

BA HUYNH  
PRIMARY EXAMINER